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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 XOCHI QUETZAL HAENA FLORES,

10 Plaintiff,

11 v.

12 DAVE NEEDY, Judge,

Defendant.

Case No. C19-0352JLR

**ORDER DISMISSING CASE WITH
PREJUDICE AND STRIKING IFP
APPLICATION**

13 Before the court is a *pro se* complaint filed by plaintiff, Xochi Quetzal Haena Flores, and
14 an application to proceed *informa pauperis*. (Dkt. # 1.) The court must dismiss the complaint if
15 it is: (1) frivolous or malicious; (2) fails to state a claim on which relief may be granted; or (3)
16 seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C.
17 § 1915(e)(2); *see Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). The complaint
18 here alleges:

19 Defendant Judge Needy ruled against the plaintiff at an ex-parte
20 custody hearing on August 9, 2016, causing plaintiff to be deprived
21 of her only biological child since that time without warning and
22 without cause.

23 (Dkt. # 1 at 5.) The complaint further alleges Judge Needy's actions implicate the due process
clause of the Fifth Amendment and the Equal Protection Clause of the Fourteenth Amendment.

1 (*Id.* at 3.) As relief, plaintiff seeks \$299,000.00 in damages. (*Id.* at 5.) Given these allegations,
2 the court concludes the complaint is brought pursuant to 42 U.S.C. § 1983, a statute which
3 authorizes a private party, such as plaintiff, to bring a civil action in order to enforce federal
4 constitutional rights against a state or local official acting under color of law.

5 Having reviewed the complaint, the court finds it is fatally deficient in that it fails to state
6 a claim upon which relief may be granted; the court further finds that no amendment to the
7 complaint can cure the deficiency, and the complaint should therefore be dismissed with
8 prejudice.

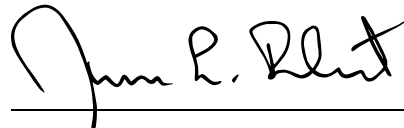
9 The complaint is deficient because it names, Judge Needy, a defendant who is immune
10 from liability. “To the extent that plaintiff seeks monetary damages, ‘state judges are absolutely
11 immune from liability for their judicial acts.’” *Lofthus v. Long Beach Veterans Hosp.*, 241 F.
12 Supp. 3d 908, 913 (C.D. Cal. 2016) (citing *Briscoe v. LaHue*, 460 U.S. 325, 334, (1983)).
13 Judicial immunity applies when a plaintiff alleges the judge failed to comply with due process.
14 *Stump v. Sparkman*, 435 U.S. 349, 355, 359-60 (1978). “Nor is judicial immunity lost by
15 allegations that a judge conspired with one party to rule against another party.” *Moore v.*
16 *Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996). Here, Plaintiff sues Judge Needy for a hearing the
17 judge conducted and a decision the judge issued on August 9, 2016, in regards to a custody
18 matter. Plaintiff claims the judge’s ruling against her was “bizarre” and “negligent.” (Dkt. # 1 at
19 5.) These allegations, which focus on Judge Needy’s decision, reaffirms that the actions
20 complained of are within Judge Needy’s jurisdiction, and that he is thus absolutely immune. The
21 court accordingly ORDERS:

- 22 1. The complaint is DISMISSED with prejudice;
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1 2. The Clerk is DIRECTED to strike the application to proceed *in forma pauperis*
2 (Dkt. # 1), as moot; and

3 3. The Clerk shall provide plaintiff with a copy of this order.

4 DATED this 12th day of March, 2019.

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7 JAMES L. ROBART
8 United States District Judge
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